



DEPARTMENT OF PERSONNEL

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MEMO PERD # 11/01
April 5, 2001

TO: Interested Parties
FROM: Jeanne Greene, Director
Department of Personnel
SUBJECT: PERSONNEL COMMISSION MEETING MINUTES

Attached are the minutes from the January 4, 2001, Personnel Commission meeting. These minutes have not been approved and are subject to revision at the next meeting of the Personnel Commission on April 27, 2001.

JG:rb

Attachment

**PERSONNEL COMMISSION
MEETING MINUTES OF JANUARY 4, 2001
LAS VEGAS, NEVADA**

**MEMO PERD # 11/01
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I. Call to Order

Chairman Manos called the meeting to order at 9:05 a.m., January 4, 2001, at the Community College of Southern Nevada, Cheyenne Campus, 3200 East Cheyenne, North Las Vegas. Members present: Chairman Ted Manos, Commissioners Claudette Enus, Teo Gamboa and James Skaggs. Member not present: Commissioner Victoria Riley. Also present were Jeanne Greene and Carol Thomas from the Department of Personnel, and Sr. Deputy Attorney General Jim Spencer via a video conference link in Reno.

II. *Adoption of Agenda

Commissioner Skaggs' motion to adopt the agenda was seconded by Commissioner Enus and unanimously carried.

III. *Minutes of Previous Meeting

The minutes of the October 4-5, 2000, Personnel Commission meeting were approved by acclamation.

IV. *Prohibitions & Penalties

Office of Veterans' Services, Nevada Veterans' Nursing Home

Jon Sias, Director, Nevada Veterans' Nursing Home, explained that the prohibitions and penalties applied to all staff at the nursing home and would serve as the foundation for agency oversight.

Referring to items B2, B5, and B7 in the policy, Commissioner Skaggs felt there should be stronger penalties to include termination. He explained items B2 and B7, if proved, violated Equal Employment Opportunity and OSHA laws. Mr. Sias stated the intent was to allow the appointing authority discretionary latitude.

Chairman Manos inquired if there was a major difference between the aspect of "state property" and "state records" as indicated in items B12, B13, and B14. Mr. Sias explained the deliberate destruction of records, which were irreplaceable, was far more egregious than the destruction of property which could be replaced.

Commissioner Skaggs stated there should be stronger policies for the use of information technology; for failure to disclose convictions when and where required by law; and failure to maintain current licenses as required.

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Commissioner Skaggs also recommended changing the word "prejudice" under item B2. Through discussion it was determined the word "prejudice" meant preferential treatment or favoritism and not bias, as was previously defined, and it was agreed that "prejudice" should be changed to "favoritism."

Mr. Spencer and Commissioner Skaggs suggested the agency clarify the language in item B7 and strengthen the penalties.

Commissioner Skaggs further recommended changing items B5, B7, B12, B14, D1, E2, and F1 to a similar format as items B17, B19, B20 and B21. Mr. Sias stated the agency was comfortable with all the changes proposed by the Commission.

Commissioner Enus' raised concerns regarding firearms in Item I1. Item I1 was subsequently withdrawn from the policy.

There being no further discussion, Commissioner Skaggs' motion to approve the Prohibitions and Penalties with the changes identified was seconded by Commissioner Enus and unanimously carried.

V. *Clerical & Related Services Occupational Group Study Appeals

A. Linda Ketner, Administrative Assistant III

*Department of Human Resources, Mental Health/Developmental Services
Division, Southern Nevada Adult Mental Health Services (SNAMHS)*

Ms. Ketner requested reallocation to an Administrative Assistant IV, grade 29. She explained that Southern Nevada Adult Mental Health Services had serious incident reports and 90% of the time she determined whether they were serious enough to be reported to the Las Vegas Metropolitan Police Department (Metro). Ms. Ketner stated her duties included being the contact person for over 300 employees and 6,500 patients in particular situations; reassigning personnel in cases of abuse; assisting RN's, Clinical Social Workers, Ph.D's and other personnel in completing and filing incident reports; initiating correspondence; working with other agency directors; and working closely with Metro in cases of patient abuse. She added that she dealt directly with the Attorney General's Office to determine if SNAMHS was permitted to assist an abused client or accused employee in addition to solving problems for patients. Ms. Ketner's stated her position focused on administrative decision-making for the entire agency, across agencies and throughout the entire chain-of-command.

Dr. Lisa Henderson, SNAMHS, appeared before the Commission on Ms. Ketner's behalf, stating Ms. Ketner's position acted as the clearinghouse for all key data and information dealing with the agency. She provided examples of other duties performed by Ms. Ketner and said Ms. Ketner was someone to whom she went for needed information.

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Tewolde Habtemicael, Personnel Analyst, Department of Personnel, explained the class concepts for positions allocated to Administrative Assistant III, grade 27, and stated Ms. Ketner's position at SNAMHS was an good example. He further explained that positions allocated to Administrative Assistant IV provide administrative support duties to the administrator of a complex division or the manager of multiple statewide programs and/or services, and the duties assigned to Ms. Ketner's position did not meet that definition.

Continuing, Mr. Habtemicael compared Ms. Ketner's position to other Administrative Assistant III and Administrative Assistant IV positions at the Nevada Mental Health Institute (NMHI). Based on the complexity of work, scope of responsibility, consequence of error, and the level of independence, Ms. Ketner's position compared closely to the other Administrative Assistant III positions at SNAMHS. Mr. Habtemicael asked the Commission to deny the appeal.

After further discussion of Ms. Ketner's duties and responsibilities, Commissioner Skaggs stated that there appeared to be a difference in the scope of duties and organizational charts presented by the appellant and the Department of Personnel. He suggested the issue be tabled and further studied to consider those differences and bring it back to the next Commission meeting.

With no further discussion, Commissioner Skaggs' motion to table the appeal was seconded by Commissioner Enus and unanimously carried.

B1. Matthew Haacker, Mail Service Technician
Community College of Southern Nevada

Matthew Haacker requested reallocation to Mail Service Supervisor, grade 28, because he performed all the functions of a supervisor as defined in the class concepts. He explained that he had been charged with implementing initiatives to decrease mail costs, training staff in proper mail processing procedures, and educating faculty and staff on efficient mail procedure processes. He stated his appeal was supported by both his supervisor and the communications director.

Mr. Haacker conveyed that he had over 18 years of military experience in all facets of mail operations, was certified by the U.S. Postal Service in quality control, and was knowledgeable in the U.S. Postal Service automation and pre-sort process, mail piece and address design standards, and printing processes. He felt this knowledge was essential to automated mail processes.

Mr. Haacker concluded by providing an overview of his previous training and experience and stated he performed all functions of a Mail Service Supervisor as indicated in the class concepts.

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Chairman Manos commented that the annual budget should reflect the annual workload, and it appeared UNR was significantly greater. Mr. Haacker agreed that UNR employed a greater number of people and he didn't dispute their workload; however, the level of knowledge required to perform the duties were the same regardless of the size of an agency's budget.

Diana Cox, Director, Human Resources, Community College of Southern Nevada, compared the positions to the class specification. Because CCSN was in the process of training for automation in the mail room, she was not comfortable in allocating Mr. Haacker's position at the higher level at this time. However, once the automation was established increasing services and responsibilities, she would be happy to re-evaluate the mail room and its associated services.

Tewolde Habtemicael, Personnel Analyst, Department of Personnel, added that based on the information gathered throughout the course of the study, it was determined that Mr. Haacker's position was not comparable to Mail Service Supervisors at UNLV, UNR, or the State Mail Room. He explained that for classification purposes the title of *supervisor* was changed to *technician* to better describe the duties. Mr. Habtemicael explained there were many technicians in State service who performed in a supervisory capacity.

Commissioner Gamboa commented that based on what he heard from the appellant and Ms. Cox, it appeared CCSN was moving towards automating their mail processes, and he felt Mr. Haacker was indeed running the mail room. He moved to grant the appeal of Mr. Haacker to Mail Service Supervisor, grade 28.

There being no second to the motion, Commissioner Skaggs' motion to deny the appeal and reevaluate the mail center when the process became fully automated was seconded by Commissioner Enus and carried with Commissioner Gamboa opposed.

B2. David Gress, Mail Service Clerk II
Community College of Southern Nevada

David Gress requested reallocation to a Mail Service Technician, grade 25. He indicated the position questionnaire used in determining the allocation of his position was more than 18 months old and no longer reflected his current duties and responsibilities. He reviewed the class concepts of the Mail Service Technician and felt there was adequate information in his appeal materials to justify the upgrade.

Mr. Habtemicael explained that Mr. Gress' position was comparable to other Mail Service Technician II's at UNR, UNLV, and the State Mail Room and felt the position was appropriately classified.

With no further discussion, Commissioner Skaggs' motion to deny the appeal and reevaluate the mail center when the process became fully automated was seconded by Commissioner Enus and unanimously carried.

VI. *Classification Appeals

A. Ronald Shutt, Chief Investigator of Compliance/Audit
Department of Business & Industry, Consumer Affairs Division

Ronald Shutt requested reallocation to Chief of Recovery Services and Investigations, grade 39. He stated his position had been compared to a Chief Compliance Investigator II, grade 37, and it should have been compared to other Chief Investigators of Compliance/Audit.

Commissioner Patricia Jarmin-Manning, Consumer Affairs Division, supported Mr. Shutt's appeal and asked the Commission to examine the qualitative functions performed versus quantitative functions performed by a larger organization which was the basis for the comparisons made to his position. She felt it was unfair to make the comparisons that Mr. Shutt had jurisdiction over two offices versus seven and supervision over 14 versus 29 individuals, because comparison of actual duties was more appropriate. She stated Nevada was at the forefront for fraudulent activities especially telemarketing, and Mr. Shutt was very instrumental in those investigations.

Christine Kelleher, attorney for Mr. Shutt, reviewed the current duties and past accomplishments of Mr. Shutt during his employment with the Consumer Affairs Division. Mr. Shutt acted on behalf of the Commissioner in her absence and supervised all staff in the Las Vegas and Reno offices. She contended all those duties were clearly outside the scope of his current class.

In response to Chairman Manos' question, Ms. Kelleher stated the Chief of Investigations Compliance/Audit class specification limited his enforcement powers to that of informal resolution and/or recommendations for sanctions, penalties or criminal prosecution. Ms. Kelleher stated Mr. Shutt currently spent a minimum of 50 percent of his time performing the duties of a Hearings Officer.

Commissioner Gamboa pointed out that the Department of Personnel found the additional duties being performed by Mr. Shutt to be the result of natural growth. Ms. Kelleher stated the additional duties were caused by legislative changes which required formal hearings and it was not natural growth.

Mark Anastas, Personnel Analyst, Department of Personnel, explained that full-time Hearings Officers in State service were at grade 36, and it was his understanding that Mr. Shutt did not have full-time Hearings Officers reporting to him. Mr. Anastas stated that Mr. Shutt's position did not compare to the Chief of Recovery Services and Investigations which had responsibility for fiscal/budgetary matters, mainframe

applications (NOMADS), and program development for federal statistical reporting. Mr. Shutt's position was determined to better align with the concept for Chief Compliance Investigator II, grade 37, based on the nature of work performed and level of responsibility. In addition, the NPD-19's from 1992, and 2000, were similar in scope. Ms. Anastas asked the Commission to deny the appeal.

A lengthy discussion ensued regarding the duties performed and differences of various Hearing Officers statewide. Ms. Kelleher indicated that if the Commission was not inclined to reclassify Mr. Shutt's position, Mr. Shutt asked that conducting formal hearings be removed from his duties. Chairman Manos explained that the Commission could not determine the duties assigned to positions, but could only determine whether they were properly classified.

With no further discussion, Commissioner Skaggs' motion to deny the appeal was seconded by Commissioner Enus and carried with Commissioner Gamboa opposed.

Chairman Manos stated for the record that Mr. Shutt was to be complimented on his job performance at the Consumer Affairs Division.

B. Sharon Hidveghy, Social Work Supervisor II
*Department of Human Resources, Child & Family Services Division,
Placement Resources*

Sharon Hidveghy requested reallocation to a Social Welfare Program Specialist III, grade 37, because her duties and responsibilities exceeded those duties of other Social Work Supervisor II's in her region and there had been changes to her job descriptions since it was submitted one year ago. The complexities of her duties had increased in order to provide higher levels of care for children, dealing with more care providers, and assessing foster homes based on the needs of children and the ability of applicants to provide the level of care required.

Ms. Hidveghy continued to explain the scope of responsibility was far greater than that of other Social Work Supervisor II's because she maintained full responsibility for the foster care licensing program, recruitment, training and licensing of 630 homes, and she had final authority to act on behalf of the agency in revoking foster home licenses in the region.

Other duties included attending statewide policy and licensure meetings, developing and performing additional program administration functions.

Adrian Foster, Personnel Analyst, Department of Personnel, introduced Pam Hiu, Personnel Analyst, Division of Child and Family Services. Mr. Foster said the classification determination was to upgrade Ms. Hidveghy's position from a Social Work Supervisor I, grade 35, to Social Work Supervisor II, grade 36, and she was requesting further reallocation to a Social Welfare Program Specialist II, grade 37.

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Ms. Hidveghy's current position was created in 1983 as a Child Care Surveyor II, reporting to the Bureau Chief of Child Care Licensing. In 1993, the position was studied again at the request of Ms. Hidveghy's predecessor and reclassified to a Social Work Supervisor I, grade 35. Mr. Foster explained the rationale behind the department's denial, which included an examination of comparable positions performing similar duties and managing various foster care programs; the number of employee's supervised and reporting relationships. His review of the class specifications and NPD-19's found some differences; however, her duties and responsibilities aligned closer to the Social Work Supervisor concepts. Mr. Foster asked the Commission to deny the appeal.

Jeanine Elliott-Lake, Employee Representative, State of Nevada Employees' Association, continued to explain changes in the position and addressed points in the determination in which they disagreed.

In response to Commissioner Gamboa's question, Ms. Hiu clarified the level of complexity of Ms. Hidveghy's current functions. Mr. Foster noted these functions were taken into consideration and discussed in the determination process.

With no further discussion, Commissioner Enus' motion to deny the appeal was seconded by Commissioner Skaggs and unanimously carried.

C. Julie Johnson, Adult Parole & Probation Operations Supervisor
Department of Motor Vehicles & Public Safety, Parole & Probation Division

Julie Johnson stated she was currently in charge of the division's Interstate Compact Unit, and her primary function was to control the movement and supervision of parolees and probationers in and out of the State of Nevada. Ms. Johnson requested reallocation from Adult Parole & Probation Operations Supervisor, grade 38, to Adult Parole & Probation Unit Manager, grade 40, based on:

- 1) significant additional duties added to the position since the 1992 study, including recommending certain convicted felons be granted restoration of civil rights before the sentencing court;
- 2) comparison with two Adult Parole & Probation Operation Supervisor positions that had been reclassified to Adult Parole & Probation Unit Manager as a result of the 1990 occupational study;
- 3) the preponderance of duties that she feels are comparable to the class of Adult Parole & Probation Unit Manager;
- 4) supervision of a staff of eleven Program Assistant IV's, grade 29, handling 3,000 cases.

Larry Frerkes, Adult Parole & Probation Unit Manager, Department of Motor Vehicles & Public Safety, Parole and Probation Division, spoke on behalf of Ms. Johnson, outlining her authority and responsibility.

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Mr. Frerkes indicated that both he and Ms. Johnson assisted their respective units with interpretation of cases, decisions, arrest procedures and due-process guarantees. Mr. Frerkes concluded that Ms. Johnson operated with the same level of complexity, liability and accountability that existed in his own unit as well as other units in the district.

Wally Voskuil, Supervisory Personnel Analyst, Department of Personnel, explained that the department was unable to accommodate the reclassification request because significant change had not occurred to the position and that the duties assigned were clearly described in the class concepts for Adult Parole and Probation Operations Supervisor.

Referring to duty statements taken directly from the class specification, Mr. Voskuil indicated they were all-encompassing and fairly specific and supported his determination that the duties allocated to Ms. Johnson's position were accurately defined. Duty statements taken from the 1990 occupational study questionnaire of the Interstate Compact Unit Supervisor were determined to have many similarities to the current NPD-19. Mr. Voskuil stated that although the restoration of civil rights was new to the position, it involved approximately 5% of Ms. Johnson's time.

Although emphasis was placed on two new categories of offenders, minimum bank and pending, Mr. Voskuil maintained the function of the Unit had not substantially changed. While there had been an increase in parolees, there had also been an increase in subordinate positions within the unit, and an increase in the subordinate positions was not justification for reclassification.

In summary, the duties assigned to Ms. Johnson's position were clearly described in the specification for Adult Parole and Probation Operations Supervisor and Mr. Voskuil requested the appeal be denied.

With no further discussion, Commissioner Enus' motion to deny the appeal was seconded by Commissioner Skaggs and unanimously carried.

VII. Uncontested Classification Action Report

No vote required.

VIII. Selective Certification

No vote required.

IX. Special Reports

The 2000 Salary and Benefits Survey was received by the Commission as presented by the Department of Personnel.

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X. Comments by the General Public

None.

XI. Select Date for Next Meeting

Next meeting set for April 27, 2001, in Carson City.

XII. *Adjournment

Commissioner Gamboa's motion to adjourn the meeting was seconded by Commissioner Skaggs and unanimously carried at 2:00 p.m.